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Notice of Allowability	Application No.	Applicant(s)	
	09/700,439	SCHWARTE, RUDOLF	
	Examiner	Art Unit	
	Chih-Cheng Glen Kao	2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 3/26/04.
2. The allowed claim(s) is/are 1-27.
3. The drawings filed on 06 May 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
 of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
 Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Simkanich on 4/6/04.

2. The application has been amended as follows:

In claim 1, line 7, in the phrase "the potential"; replacing "the" with - -a- -

In claim 1, line 9; replacing "characterised" with - -characterized- -

In claim 1, line 11; inserting - -photomixing detector pixel - - before "PMD-pixel"

In claim 1, line 11; placing parentheses around "PMD-pixel"

In claim 1, line 12; inserting - -and- - after "reading-out diodes,"

In claim 1, lines 12-13, in the phrase "a (PMD-) pixel are divided"; replacing "a" with

- -the- -

In claim 1, line 13; deleting the parentheses in the word "(PMD-)"

In claim 1, line 14; deleting "are provided"

In claim 1, line 14, in the phrase "the difference"; replacing "the" with - -a- -

In claim 1, line 15, in the phrase "the signals"; deleting "the"

In claim 1, line 15, in the phrase "the readout lines"; deleting "the"

In claim 3, line 2; inserting - -of the electromagnetic waves- - after "wavelength"

In claim 3, lines 2 and 3; replacing the phrase “and characterized in that” with

- -, however- -

In claim 3, line 4, in the phrase “an order”; replacing “an” with - -the- -

In claim 3, line 4; inserting - -or- - after “magnitude”

In claim 5, line 4; inserting - -of the pair- - after “modulation photogates”

In claim 9, line 5; replacing “connection” with - -reading-out- -

In claim 17, line 2; deleting “conventional”

In claim 21, lines 7-11; deleting the phrase “, wherein the accumulation gates of a

(PMD-) pixel are divided into at least two groups of accumulation gates, each group being connected to a common readout line and means are provided for determining the difference of the signals received from the readout lines of the said at least two groups of accumulation gates”

In claim 23, line 11, replacing “(|i_a-i_b| + |i_c-i_d|)” with - -(|i_a-i_b| + |i_c-i_d|)- -

In claim 26, lines 10-11, replacing “(|i_a-i_b| + |i_c-i_d|)” with - -(|i_a-i_b| + |i_c-i_d|)- -

Allowable Subject Matter

3. Claims 1-27 are allowed.

The following is an examiner’s statement of reasons for allowance:

Regarding claim 1, prior art does not disclose or fairly suggest an apparatus including accumulation gates of a photomixing detector pixel divided into two groups of accumulation gates, each group being connected to a common readout line and means for determining a difference of signals received from readout lines of the said at least two groups of accumulation

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gates, in combination with all the limitations in the claim. Claims 2-27 are allowed by virtue of their dependency.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

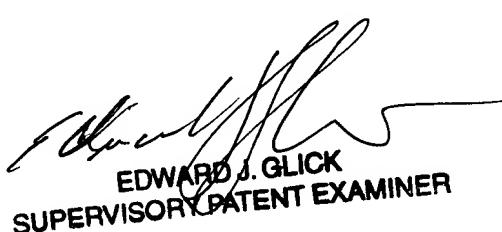
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER